

DOCKET NO. 2012-98

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
RONALD S. HINES, D.V.M.	§	MEDICAL EXAMINERS

AGREED ORDER

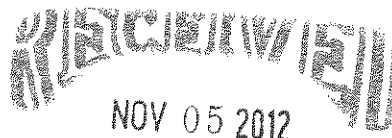
On this the 25th day of March, 2013, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Ronald S. Hines, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on September 27, 2012. Respondent did not attend the informal conference, but was represented at the conference by counsel, Jeff Henry. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. Respondent, Ronald S. Hines, D.V.M. of Brownsville, Texas, holds Texas veterinary license 2419.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).
3. Under Section 801.002(5) of the Veterinary Licensing Act, Texas Occupations Code, "practice of veterinary medicine" is defined to include:



(a) the diagnosis, treatment, correction, change, manipulation, relief, or prevention of animal disease, deformity, defect, injury or other physical condition...

(b) the representation of an ability or willingness to perform an act listed in Paragraph A;

(c) the use of a title, a word, or letters to induce the belief that a person is legally authorized and qualified to perform an act listed in Paragraph A; or

(d) the receipt of compensation for performing an act listed in Paragraph A.

4. Under Section 801.351 of the Veterinary Licensing Act, Texas Occupations Code, a person may not engage in the practice of veterinary medicine unless a veterinarian-client-patient relationship exists, and a veterinarian-client-patient relationship may not be established solely by telephone or electronic means.

5. Prior to April 2012, Respondent posted a website in which he identified himself as "Dr. Ron Hines, veterinarian," and offered "advice to dog, cat and exotic animal pet owners," stating, "if you ask me, in many cases I can help you with your decisions or lead you through your pet's treatment options." On the website, Respondent also wrote, "To ask me about the illness that is affecting your pet, I charge a one-time fee of \$58 for a thorough review in which we discuss the problem and methods of treatment." After customers pay the fee for his advice, Respondent requested that they fill out an electronic form online, and that if the customer has a problem with the form, "don't worry--I will contact you by email for all the information I will need to begin." Respondent also requested on the website that the prospective customer "send photographs and lab work" to him electronically for his review.

6. In addition to the individually tailored diagnostic services and veterinary medical advice for specific animals that Respondent offered for a fee on his website, Respondent also publishes articles on his website with general information on veterinary health issues that are not targeted at any individual patient. Because these general articles do not claim to treat and are not tailored to address the symptoms of any specific individual patient, these articles do not offer a diagnosis or treatment for any specific animal and therefore do not fall within the "practice of veterinary medicine" under Section 801.002(5) of the Veterinary Licensing Act, Texas Occupations Code.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules.

2. Based on Findings of Fact 1 through 5, Respondent has violated Section 801.351 of the Veterinary Licensing Act, Texas Occupations Code, which requires that a veterinarian establish and maintain a veterinarian-client-patient relationship prior to practicing veterinary medicine by

examining the animal, and specifies that a veterinarian-client-patient relationship cannot be established solely by telephone or electronic means.

3. Based on Findings of Fact 1 through 3 and Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (4) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board.

4. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may: (a)

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

5. Based on Conclusions of Law 1 through 3, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive a FORMAL REPRIMAND.

The Board further ORDERS that Respondent's license be SUSPENDED for ONE YEAR, with said SUSPENSION STAYED and Respondent placed on PROBATION for the entire period of SUSPENSION.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00). If Respondent

fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license may be suspended until the penalty is paid, and any payment by the Respondent to the Board to renew his license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

The Board further ORDERS that Respondent shall take and pass the Texas veterinary jurisprudence examination within 90 days from the date of this Agreed Order.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Agreed Order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, RONALD S. HINES, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

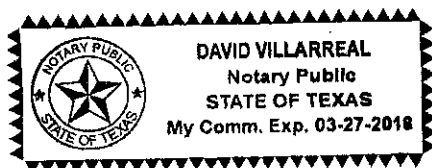
Ronald S. Hines
RONALD S. HINES, D.V.M.

November 7 2012
DATE

STATE OF TEXAS §
COUNTY OF Cameron §

BEFORE ME, on this day, personally appeared Ronald S. Hines, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 1st day of November, 2012.



[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 25th of March, 2013.

[Signature]
Bud E. Alldredge, Jr., D.V.M., President

